

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JOSEPH WHITEHOUSE and  
SYLVIA WHITEHOUSE,

Plaintiffs

vs.

ACADIA INSURANCE COMPANY,

Defendant

MAGISTRATE JUDGE

LTS

Civil Action No.:

05 CV 10939 MFI

RECEIPT # 64628  
AMOUNT \$ 250.00  
SUMMONS ISSUED NA  
LOCAL RULE 4.1 -  
WAIVER FORM -  
MCF ISSUED -  
BY DPTY. CLK. M.F.  
DATE 5/6/2005

**DEFENDANT ACADIA INSURANCE COMPANY'S**  
**NOTICE OF REMOVAL**

NOW COMES Defendant, Acadia Insurance Company, by and through its counsel, Tompkins, Clough, Hirshon & Langer, P.A. and pursuant to 28 U.S.C. §1441, hereby gives notice of the removal of the above-captioned action from the Malden District Court of the Commonwealth of Massachusetts, Middlesex County, where the action is now pending, to the United States District Court for the District of Massachusetts.

This action is removed on the grounds that the United States District Court for the District of Massachusetts has original jurisdiction over this matter based upon the diversity of the parties, 28 U.S.C. §1332.

Attached hereto, pursuant to 28 U.S.C. §1446(a), is the Affidavit of Marshall J. Tinkle, counsel for Acadia Insurance Company, a copy of the state court docket sheet in this matter, and copies of all documents docketed in the state court proceeding prior to removal. The duplicate record contains an accurate copy of every document docketed in

the state court proceedings prior to removal and reflects every action taken in the matter by the state court prior to removal.

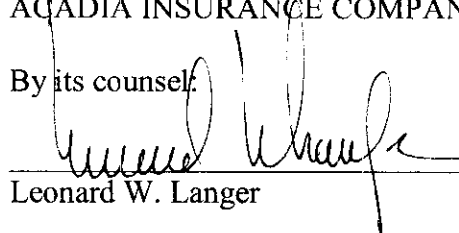
By copy of this notice to Plaintiffs by United States Mail, Plaintiffs are being given written notice of the removal pursuant to 28 U.S.C. §1446(d).

A copy of this notice is being filed with the Malden District Court, pursuant to 28 U.S.C. §1446(d).

Dated at Portland, Maine this 5~~th~~ day of May, 2005.

ACADIA INSURANCE COMPANY

By its counsel:

  
Leonard W. Langer

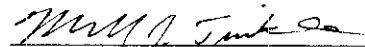
  
Marshall J. Tinkle

BBO#565513

TOMPKINS, CLOUGH, HIRSHON & LANGER, P.A.  
Three Canal Plaza  
P. O. Box 15060  
Portland, ME 04112-5060  
(207) 874-6700

**CERTIFICATE OF SERVICE**

I, Marshall J. Tinkle, Esq., hereby certify that on May 5, 2005, I caused a true copy of the within DEFENDANT ACADIA INSURANCE COMPANY'S NOTICE OF REMOVAL to be mailed by First Class Mail, postage prepaid, to Thomas M. Glynn, 114 West Foster Street, Melrose, MA 02176, counsel for the Plaintiffs in the above-referenced matter.

  
Marshall J. Tinkle, Esq.